



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 05241-00
21 September 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: LCDR [REDACTED] SN, [REDACTED];
REVIEW OF NAVAL RECORD (RECONSIDERATION)

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 4 Aug 99 and other documents
from BCNR file, docket no 5166-99
(2) Recon request dtd 30 Jul 00 w/enclosures
(3) PERS-311 memo dtd 30 Aug 00
(4) Subject's naval record

1. Pursuant to reference (a), Subject, hereinafter referred to as Petitioner, filed the application at enclosure (1) with this Board requesting that his naval record be corrected by removing the fitness report for 30 August to 31 October 1997, a copy of which is at Tab A. Documentation at enclosure (1) shows this application was denied on 3 February 2000. Petitioner later filed enclosure (2), seeking reconsideration of his previous request.

2. The Board, consisting of Messrs. Kastner and Zsalman and Ms. LeBlanc, reviewed Petitioner's allegations of error and injustice on 14 September 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence at enclosure (3), the Navy Personnel Command (NPC) office having cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action.

c. NPC has filed a memorandum dated 12 February 1999 amending the uncontested fitness report for 1 November 1997 to 4 May 1998 to begin on 30 August 1997. Copies of the memorandum and fitness report are at Tab B.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing therefrom the following fitness report and related material:

Date of Report	Reporting Senior	Period of Report From To
97Nov16	CDB [REDACTED] USN	97Aug30 97Oct31


b. That NO memorandum be filed in place of the fitness report to be removed, as the NPC memorandum dated 12 February 1999 amended the fitness report for 1 November 1997 to 4 May 1998 to begin on 30 August 1997.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.


d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


FR W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
30 August 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: LCDR [REDACTED], USN, [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual
(b) NPC-311 memo 1610 of 17 December 1999

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member request reconsideration on his request to remove his fitness report for the period 30 August 1997 to 31 October 1997.
2. Based on our review of the material provided, we find the following:
 - a. We have again reviewed LCDR [REDACTED] petition and reconsidered our decision in reference (b). We now recommend approval of LCDR [REDACTED] request to remove the fitness report for the period 30 August 1997 to 31 October 1997.
3. We recommend relief based on the additional material now available.

[REDACTED]

Head, Performance
Evaluation Branch